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| 09/605,522 | 06/27/2000 | Sadik Bayrakeri | 19880-001310 | 3935 |
| 26291 | 7590 | 06/15/2004 | EXAMINER | |
| MOSER, PATTERSON & SHERIDAN L.L.P. 595 SHREWSBURY AVE, STE 100 FIRST FLOOR SHREWSBURY, NJ 07702 | | | SLOAN, NATHAN A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2614 | |

DATE MAILED: 06/15/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,522

Applicant(s)

BAYRAKERI ET AL.

Examiner

Nathan A Sloan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicants amendment to independent claims 1, 14, 21, and 22 and corresponding arguments that the relied upon art of record does not teach or suggest receiving a request to view a custom IPG on a particular channel have been considered. However, these arguments are not found persuasive. Rather, Lawler explicitly teaches a program guide system providing a custom IPG on a particular channel as selected by a user in the previously cited sections including col. 9:38-44. It appears applicant intends to claim a system and method where the user may specify which channel from a plurality of channels the program guide is to be presented on. However, no such limitation is provided in the claim language. Other limitations are addressed in the new grounds of rejection below as necessitated by the amendment.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (5,805,763) in view of Lemmons (6,442,755).

Lawler et al. (5,805,763) teaches a two-way communication system and corresponding method for providing an interactive viewing system with a customizable program guide.

With respect to claim 1, the claimed method for providing a custom interactive program guide including “receiving selections indicative of a set of channels to be included in the custom-IPG” is taught by Lawler as seen in Figure 4A at 208, Figure 4B at 264, 266, and 268, col. 4:15-23, col. 7:10-28, col. 8:40-54, and col. 14:1-5. Users interact with a head end over a two way communication network (col.7:23-28) to request interactive program guide data. Users may customize the IPG by selecting a time range indicating a set of channels to include, making selections that will render custom icons in the program guide, or by customizing based on viewer preferences, history, or based on a given category. The program guide is rendered at a head-end and delivered on request as taught in the above noted sections. Lawler also teaches overlaying techniques for “providing a modified video sequence” in col. 6:14-27, but not explicitly overlaying the custom IPG. Lemmons (6,442,755) teaches an electronic program guide using markup language to dynamically reconfigure display and layout. As taught in col. 6:3-5, a program may be overlaid “on a video sequence being provided ... to generate a modified video sequence” for display on a channel concurrently being viewed. It would have been obvious for one skilled in the art at the time of the invention to modify the system and methods of Lawler by allowing overlay on a particular channel as taught by Lemmons in order to avoid forcing a user to tune to a specific channel associated with the program guide.

With respect to claim 3, Lawler does not teach the claimed “receiving a command indicative of a particular location at which to overlay the one or more custom IPG screens” and correspondingly re-rendering at the location and providing the IPG screens. Lemmons teaches

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resizing and repositioning windows for display as seen in Fig. 6b. It would have been obvious for one skilled in the art at the time of the invention to modify the system and methods of Lawler by allowing relocation of program guide information in order to “create enhanced features and promotions” as taught by Lemmons in col.2:38-42. By employing the relocation methods of Lemmons at the head end with the reception of user customizations as taught by Lawler, the re-rendered custom IPG screens would then be provided from the head end to users.

With respect to claims 4 and 5, the claimed receiving a request to view the IPG on a particular channel is taught in col. 9:38-44. Lawler also teaches overlaying techniques for “providing a modified video sequence” in col. 6:14-27, but not explicitly overlaying the custom IPG on a concurrent video sequence that is currently being viewed. Lemmons (6,442,755) teaches an electronic program guide using markup language to dynamically reconfigure display and layout. As taught in col. 6:3-5, a program may be overlaid “on a video sequence being provided ... to generate a modified video sequence” for display on a channel concurrently being viewed. It would have been obvious for one skilled in the art at the time of the invention to modify the system and methods of Lawler by allowing overlay on a particular channel as taught by Lemmons in order to avoid forcing a user to tune to a specific channel associated with the program guide.

With respect to claim 6, neither Lawler nor Lemmons explicitly teach overlaying on a channel “used to carry regular program guide.” Both Lawler and Lemmons teach transmission of a program guide on a regular / in band channel as noted above and taught by Lemmons in col. 5:27-33. Furthermore, Lemmons teaches overlaying on a program currently being viewed. Clearly then if a viewer is watching a channel used to carry a program guide, overlaying an

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interactive program guide may be accomplished on that channel. It would have been obvious for one skilled in the art at the time of the invention to modify the system and methods of Lawler by allowing overlay on a particular channel as taught by Lemmons in order to avoid forcing a user to tune to a specific channel associated with the program guide.

With respect to claim 7, the claimed "receiving a request to turn off the custom-IPG" is met by Lawler in col. 10:18-25 by tuning to a channel in the IPG. This process is not in association with providing the video sequence on the particular channel. However, as noted above Lemmons teaches providing an IPG on the particular channel and further teaches turning the viewing a television channel, program guide, and various navigation techniques in col.5:51+. It would have been obvious for one skilled in the art at the time of the invention to modify the IPG control techniques of Lawler by providing the IPG on the particular channel in order to avoid forcing a user to tune to a specific channel associated with the program guide.

With respect to claim 8, the claimed IPG being provided on "a channel that is independent of channels used to carry regular programming and program guide" is taught in col. 9:38-44.

With respect to claim 9, the claimed "receiving a request indicating a selection for either the custom IPG or a regular IPG on a particular channel and depending on the request, providing either the custom IPG or the regular IPG on the particular channel" is met as noted above in response to claim 8 by requesting and providing IPG on a particular channel. Examiner notes that this claim is in either ... or format and thus the burden is to only meet either of the recited limitations.

With respect to claim 10, the claimed one or more custom IPG screens being “formed as a subset of a regular IPG screen” is taught by Lawler by allowing a user to form a subset comprising a programs from a certain time range, of a particular category, based on a past history, etc as noted above in response to claim 1.

With respect to claims 11-13, the claimed custom-IPG being rendered / dynamically modified at a head end, and stored as part of a profile for a particular viewer is met as noted above in response to claim 1 and further in col. 4:11-23.

3. Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (5,805,763) in view of Eyer (5,982,445).

With respect to claims 14 and 18, the claimed activating a program guide customization process, selecting a set of channels to be included, and receiving the custom IPG screens rendered at a head end are met as noted above by Lawler. Users may select a channel to receive a custom IPG in order to tune into program guide information as taught by Lawler in col. 9:38-44. Lawler, however, does not teach use of a “pop-up menu provided to assist in the customization process.” Eyer teaches a html protocol for television display and control. In col. 7:44-48 the use of pop-up menus is taught to define an area of a screen used for input based on actions. These menus are transmitted from a headend 160 to a television set-top box 180 as seen with reference to Figure 1. It would have been obvious for one skilled in the art at the time of the invention to modify the method of Lawler by using a pop-up menu in the graphical user interface as taught by Eyer in order to provide users with an easily understood customization interface.

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With respect to claim 15, the claimed indicating a particular arrangement for the channels is met as noted above by Lawler in “arranging” channels to be included in an interactive program guide, such as channels arranged from a given category.

With respect to claims 16 and 17, the claimed customization being initiated by “highlighting a particular object provided on a regular IPG screen” is seen at steps 259, 260, 262, and 268 of Figure 4B. A user may scroll with a remote control and navigation keys through the IPG with a focus frame, which may be of different color meeting the claimed “highlighting” (col. 8:5-12). When the focus frame falls out of the bounds of stored IPG data, customization is demanded by requesting an updated PSI from the head end (step 262) that will include the new data for the corresponding time range. The navigation keys may be included as part of a remote control as seen in Fig. 2 item 22.

With respect to claim 19, the claimed pop-up menu being “overlaid on a current screen being viewed” is not taught by Lawler. As noted in response to claim 14 above, Eyer teaches pop-up overlay techniques and further that these may be overlaid on a screen being viewed in col. 10:27-60. It would have been obvious for one skilled in the art at the time of the invention to modify the system and methods of Lawler by allowing overlay on a particular channel as taught by Eyer in order to avoid forcing a user to tune to a specific channel associated with the program guide.

With respect to claim 20, the claimed selecting achieved by highlighting objects rendering in the pop-up menu is not taught by Lawler. However, Lawler does teach highlighting objects for selection as noted above, and Eyer teaches use of a pop-up menu. It would have been obvious for one skilled in the art at the time of the invention to modify the highlight selection

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methods of Lawler by using a pop-up menu with highlighting in order to provide an easily understood user interface for viewers.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer (6,160,545) in view of Lawler (5,805,763).

With respect to claim 21, the claimed video session manager is met by IPG data server 210 of Fig. 1. The claimed "at least one encoder" is met by encoders 220 ... 230 which "render and encode one or more custom IPG screens having including therein the set of channels," the claimed multiplexer and modulator are met by multiplexer / modulator 250 which provide the data in an appropriate format for transmission (col. 8:24-28). Eyer, however, does not teach "receiving selections indicative of a set of channels to be included in the custom IPG" at the video session manager and providing the custom IPG "on the output signal upon receiving a request for the custom-IPG." Lawler teaches a system that is used to transmit custom IPG data on a selected channel and including a set of channels in response to a request as noted above and additionally in col. 7:10-28. It would have been obvious for one skilled in the art at the time of the invention to modify the system of Eyer by transmitting custom IPG data in response to a request as taught by Lawler in order to conserve memory usage at a set top terminal.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shiga (6,005,562) in view of Lawler (5,805,763).

With respect to claim 22, the claimed set-top terminal for providing a custom IPG is seen with reference to Figure 23. Specifically, a demodulator 22 is provided to receive and generate a transport stream "provides on or more encoded custom IPG screens." This signal is provided to

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a de-multiplexer 24 which is "operative to receive and process the transport stream" and finally to "at least one decoder ... to receive and decode ... an output video sequence" as seen by decoder 25. This system is described in col. 17-18 for receiving and providing an EPG. In the system of Shiga, however, the EPG data is received prior to a request and stored locally not after being "rendered at a head end and sent to the STT upon receiving a request for the custom IPG." Lawler clearly teaches a receiver system that is used to transmit and receive custom IPG data on a selected channel in response to a request as noted above and additionally in col. 7:10-28. It would have been obvious for one skilled in the art at the time of the invention to modify the system of Shiga by transmitting custom IPG data in response to a request as taught by Lawler in order to conserve memory usage at a set top terminal.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan A Sloan whose telephone number is (703) 305-8143. The examiner can normally be reached on Mon-Fri 7:30am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703)305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NAS


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